

**REMARKS**

Applicants have canceled claims 4-5 and 7-26, amended claims 1, 2 and 6, and added new claims 91-97. As explained in further detail below, no new matter has been added.

**35 U.S.C. § 103 Rejection**

In the final Office Action, claims 1-26 were rejected under 35 U.S.C. § 103(a) as being obvious based on U.S. Patent No. 6,511,377 (“Weiss”) in view of U.S. Patent No. 5,655,961 (“Acres”). In the Advisory Action, the Examiner maintained the rejections, pointing out that claims are to be given their broadest reasonable interpretation by the Examiner, and that limitations described in the specification but not in the claims themselves are not read into the claims for purposes of the examination. In response, Applicants have amended claims and introduced new claims in order to further define the scope of the invention, primarily by incorporating definitions of “regular gaming sessions” and “virtual gaming sessions” from the specification into the claims.

Two independent claims are included in the present application. Independent claim 1 (amended) is directed to the tracking of a player’s gaming activity during a virtual gaming session at a gaming machine, where the virtual gaming session occurs prior to the regular gaming session. Independent claim 93 (new) is also directed to the tracking of a player’s gaming activity during a virtual gaming session at a gaming machine, but where the virtual gaming session occurs after the regular gaming session.

Each independent claim clearly defines a “regular gaming session” and a “virtual gaming session” by including limitations that describe how each type of gaming session starts and ends. In both claim 1 and claim 93, the start of a regular gaming session associated with a player

account is triggered by the insertion into a gaming machine of a player card associated with that same account, and the end of the regular gaming session is triggered by the removal of the player card from the gaming machine. This definition of a regular gaming session is supported by at least paragraph 57 of Applicants' original specification, and thus does not constitute new matter.

In defining a virtual gaming session that *precedes* a regular gaming session, claim 1 requires that the start of the virtual gaming session be triggered by value (e.g., coins) being entered on a gaming machine, and requires that the end of the virtual gaming session be triggered by a player card being inserted into the gaming machine (i.e., by the same event that triggers the start of the regular gaming session). In defining a virtual gaming session that *follows* a regular gaming session, claim 93 requires that the start of the virtual gaming session be triggered by the removal of a player card (i.e., by the same event that triggers the end of the regular gaming session), where the removal of the player card occurs while a game is in progress on the gaming machine and/or while credits are available for play on the gaming machine. Claim 93 further requires that the end of the virtual gaming session be triggered by the completion of a game on the gaming machine, the absence of credits for play on the gaming machine, and/or the re-insertion of the player card into the gaming machine. These definitions of the two types of virtual gaming sessions in claims 1 and 93 are supported by at least paragraphs 60 and 77-82 of Applicants' original specification, and thus do not constitute new matter.

New dependent claim 91 is directed to a method whereby virtual gaming sessions occur both before and after a regular gaming session (see at least paragraphs 72-76 for support). New dependent claim 94 is directed to a method whereby a second regular gaming session occurs after a virtual gaming session, which in turn occurs after the first regular gaming session (see at least

paragraph 62 for support). New dependent claim 92 is directed to the particular case in which the “value” that triggers the start of the virtual gaming session comprises coins (see at least paragraph 60 for support). Finally, dependent claims 95-97 (relating to the timing of the transmitting step) correspond to claims 2, 3 and 6, but for the particular case in which the first virtual gaming session follows the first regular gaming session rather than precedes it (see at least original claims 2, 3, 4 and 6 for support).

Even in combination, the Weiss and Acres patents fail to teach or suggest the methods of the claims of the present application as added or amended. The Weiss reference describes a real-time cashless gaming system for operating gaming machines with player cards by downloading funds from a pre-established account and crediting/debiting the account based on game play while a player card is inserted (i.e. during a regular gaming session). The Acres reference describes a method and apparatus for controlling gaming devices interconnected by a computer network. Neither the Weiss nor the Acres reference discloses any time periods, occurring outside of a player’s regular gaming session (i.e., outside of the time that the player’s card is inserted in the machine), during which activity data is generated and used as the basis for information that is stored in that same player’s account.

The failure to disclose this is critical, as it is an object of Applicants’ invention to track gaming activity for a player that occurs outside of that same player’s regular gaming session. See e.g. ¶¶ 10-12, 60-63. This allows, for example, a casino to better track the gaming activity of each player, even if players sometimes forget to insert their cards at the start of play, or remove their cards from gaming machines prior to finishing play on those machines. As a result, the casino’s records are more accurate and complete, and players are able to benefit from (e.g. accrue

“points” in their account as a result of) the full length of time that they spend playing gaming machines.

In stating that the Weiss reference discloses a virtual gaming session, the Examiner relies on Figure 8 and the descriptions at Col. 19, lines 1-21, which together describe both a “time out” period when there is no gaming activity at a gaming machine, and the operation of the gaming system when a player abandons his or her card and/or credits at a gaming machine.

Regarding the time out period, Weiss states: “If there is no activity on the gaming machine  $G_N$ , the system 10 will detect a time out signal and automatically transfer credits on the gaming machine to the player’s account.” Col. 19, lines 2-5. Thus, whereas claims 1 and 93 of the present application each require that activity data generated during the virtual gaming session be collected and stored in the player account, Weiss only states that the system detects a time out signal “[i]f there is no activity on the gaming machine.” Col. 19, lines 2-5. As the Examiner recognizes in the Office Action, Weiss therefore fails to disclose collecting and transmitting activity data that is generated during the time out period.

The Examiner states in the Office Action that it would nonetheless be obvious to collect activity data during this time out period, because Acres discloses that it is “advantageous to record all gaming transactions occurring on a gaming machine.” Applicants respectfully disagree. First, insofar as the time out period of Weiss is concerned, Weiss actually teaches away from collecting activity data generated during the virtual gaming session. Contrary to the Examiner’s assertion that “Weiss is silent regarding the collection of data” after a player removes his or her card without transferring credits, Weiss unequivocally states that the time out period occurs “[i]f there is no activity on the gaming machine.” Thus, Weiss affirmatively represents

that no activity data is collected during the time out period, because no gaming activity is even occurring at that time.

Second, the extremely general teaching of Acres that it is “advantageous to record all gaming transactions” neither expressly nor inherently discloses that any activity data collected while a player’s card is not inserted should be used to store information in that player’s account. Even in combination, therefore, Weiss and Acres fail to include the presently claimed limitation of storing information in the same player account in which regular gaming session information is stored. As noted above, this missing limitation is an important object of the presently claimed invention.

Regarding abandonment of player cards and/or credits at a gaming machine, Weiss states:

Referring to FIG. 8, when a player’s card is left in the card reader 82 and no credits are on the machine  $G_N$  the card has no independent value without the associated PIN number. If a player’s card is left in the machine  $G_N$  and there are credits on the credit meter 88, the player is preferably prompted to input his PIN in order to transfer the credits to the account. If another player attempts to play the machine  $G_N$ , the credits will be available for play, just as if the player had left non-account wagering system credits on the machine. However, not all account wagering system credits will be available for cashing out by the player.

In addition, if the player removes his player card without transferring credits to his account, the credits are subject to play independent of the player card.

Col. 19, lines 8-21. The first paragraph above describes a situation in which the player leaves his or her card in the gaming machine. This time period cannot correspond to a virtual gaming session that follows a regular gaming session, because new claim 93 clearly requires that such virtual gaming sessions start in response to the removal of the player card. The time period described also cannot correspond to a virtual gaming session that precedes the regular gaming session, because amended claim 1 clearly requires that such virtual gaming sessions start in

response to value being added on the gaming machine, and that such virtual gaming sessions end prior to the start of the regular gaming session. Therefore, the first paragraph does not disclose a time period constituting either of the claimed virtual gaming sessions.

The second paragraph above describes a situation in which the player removes his or her card (thus ending the regular gaming session), but fails to transfer remaining credits to his or her player account. Weiss states that the left-over credits “are subject to play independent of the player card.” Col. 19, lines 20-21. Weiss neither discloses nor suggests that subsequent game play using the left-over credits is tracked by the gaming system, nor does it disclose that activity data based on that subsequent game play is collected and transmitted to the central authority. And even in combination with Acres, Weiss fails to disclose storing any information, based on that activity data, in the player account of the player that had just removed his or her card. Once again, the failure to disclose this is critical, as it is an object of Applicants’ invention to track gaming activity for a player that occurs outside of that same player’s regular gaming session. See e.g. ¶¶ 10-12, 60-63.

Moreover, Figure 8 shows that both the “left-over credit” and “abandoned card” scenarios of Weiss result in the same situation of having “play independent of [the player] card.” The text of Weiss elaborates on the “independent” play condition at Col. 19, lines 14-16, where it states that, “[i]f another player attempts to play the machine  $G_N$ , the credits will be available for play, just as if the player had left non-account wagering system credits on the machine.” (Emphasis added). This teaches away from the idea of a virtual gaming session subsequent to a player’s regular gaming session, where game activity in the virtual session is tracked and stored in that same player’s account.

The Examiner also stated in the Office Action that the Weiss reference, at Col. 13, lines 60-67, discloses a virtual gaming session that precedes the regular gaming session. While the Examiner only makes this argument for purposes of rejecting dependent claim 5 (now canceled), Applicants address the Examiner's argument because it could potentially be used to provide an alternate basis for rejecting independent claim 1.

Col. 13, lines 60-67, describes a player depositing funds to his or her electronic account by inserting coins or bills into a gaming machine, and refers to Figure 7. However, the insertion of bills or coins occurs while the player's card is inserted (i.e. during a regular gaming session), and thus does not disclose tracking of player activity during a virtual gaming session. Figures 5-8 of Weiss represent a single flow chart, as indicated by the connecting letter references at the top and/or bottom of each figure. The step of applying coins or bills into the gaming machine in Figure 7 is preceded by the step of inserting a player card, as shown in Figure 6. Moreover, the player card is not yet removed at the time that the coins or bills are added, as removal of the card does not occur until the steps portrayed in Figure 8. This indicates that the step of inserting bills or coins occurs during a regular gaming session, rather than a virtual gaming session that precedes the regular gaming session.

Thus, independent claims 1 and 93 are allowable over the Weiss and Acres references. Claims 2-3, 6, 91-92 and 94-97 are dependent from claim 1 or 93, and thus are allowable over Weiss and Acres for at least the same reasons that claim 1 or 93 is allowable.

Application No. 10/720,931  
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In response to Office Action dated April 17, 2008 and Advisory Action dated July 25, 2008

**CONCLUSION**

In view of the above, reconsideration of this application is respectfully requested. Claims 1-3, 6 and 91-97 are allowable over the art of record, and a Notice of Allowance is respectfully solicited.

If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the Applicants at the number below.

Although no fees beyond the one-month extension fee are believed to be due at this time, the Commissioner is authorized to charge any necessary fees (or credit any overpayment) to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,  
**MCANDREWS, HELD & MALLOY, LTD.**

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